



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NOAA MARINE AND AVIATION OPERATIONS  
Silver Spring, Maryland 20910-3282

NOV 30 2004

*Samuel P. De Bow, Jr.*

MEMORANDUM FROM: RADM Samuel P. De Bow, Jr., NOAA  
Director

FOR: Distribution

SUBJECT: Use of U.S. Military and U.S. Coast Guard Aircraft during  
the "Safety Stand-Down Regarding use of non-NOAA  
Aircraft"

NMAO has determined that the operations, safety, training, and maintenance standards of the U.S. military (Army, Navy, Air Force, and Marines) or U.S. Coast Guard services are comparable to the standards approved for NOAA-owned aircraft. Therefore, use of the U.S. military (Army, Navy, Air Force, and Marines) or U.S. Coast Guard services are authorized during the "Safety Stand-Down Regarding use of non-NOAA Aircraft." This authorization **does not** extend to connected entities such as the Civil Air Patrol or US Coast Guard Auxiliary, nor does it extend to any civil aircraft obtained by the contracting authority of the military or U.S. Coast Guard agency.

All use of U.S. military or U.S. Coast Guard aircraft during the safety stand-down shall be reported to Lieutenant Commander Debora Barr of NMAO by email: [Debora.R.Barr@noaa.gov](mailto:Debora.R.Barr@noaa.gov) providing the following information within 48 hours of the flight:

1. Purpose of Flight
2. Date of Flight
3. Agency Providing the Aircraft
4. Aircraft Make, Model, and Bureau Number
5. Names of NOAA Employees/Contractors on Board
6. Number of hours flown (block time)

Before embarking on a military or U.S. Coast Guard aircraft, NOAA employees and contractors should read the following disclosure statement:



*Disclosure Statement for Personnel Flying on Board Government Aircraft  
Operated as Public Aircraft*

*Reference: 41 C.F.R. 102-33.165(e)*

Generally, an aircraft used exclusively for the U.S. Government may be considered a "public aircraft" as defined in Public Law 106-181, provided it is not a Government-owned aircraft transporting passengers or operating for commercial purposes. A public aircraft is subject to many, but not all Federal Aviation Regulations, including requirements relating to aircraft certification, maintenance, and pilot certification. If an agency transports passengers on a Government-owned aircraft or uses that aircraft for commercial purposes, the agency must comply with all Federal Aviation Regulations applicable to civil aircraft. If you have any questions concerning whether a particular flight will be a public aircraft operation or a civil aircraft operation, you should contact the agency sponsor of that flight.

You have certain rights and benefits in the unlikely event you are injured or killed while working aboard a Government-owned or operated aircraft. Federal employees and some private citizens are eligible for workers' compensation benefits under the Federal Employees' Compensation Act (FECA). When FECA applies, it is the sole remedy. For more information about FECA and its coverage, consult with your agency's benefits office or contact the Branch of Technical Assistance at the Department of Labor's Office of Workers' Compensation Programs at (202) 693-0044.

State or foreign laws may provide for product liability or "third party" causes of actions for personal injury or wrongful death. If you have questions about a particular case or believe you have a claim, you should consult with an attorney.

Some insurance policies may exclude coverage for injuries or death sustained while working or traveling aboard a Government or military aircraft or while within a combat area. You may wish to check your policy or consult with your insurance provider before your flight. The insurance available to Federal employees through the Federal Employees Group Life Insurance Program does not contain an exclusion of this type.

If you are the victim of an air disaster resulting from criminal activity, Victim and Witness Specialists from the Federal Bureau of Investigation (FBI) and/or the local U.S. Attorney's Office will keep you or your family informed about the status of the criminal investigation(s) and provide you or your family with information about rights and services, such as crisis intervention, counseling and emotional support. State crime victim compensation may be able to cover crime-related expenses, such as medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support. The Office for Victims of Crime (an agency of the Department of Justice) and the U.S. Attorneys Office are authorized by the Antiterrorism Act of 1996 to provide emergency financial assistance to State programs for the benefit of victims of terrorist acts or mass violence.

*If you are a Federal employee.* If you are injured or killed on the job during the performance of duty, including while traveling or working aboard a Government aircraft or other Government-owned or operated conveyance for official Government business purposes, you and your family are eligible to collect workers' compensation benefits under FECA. You and your family may not file a personal injury or wrongful death suit against the United States or its employees. However, you may have cause of action against potentially liable third parties.

You or your qualifying family member must normally also choose between FECA disability or death benefits, and those payable under your retirement system (either the Civil Service Retirement System or the Federal Employees Retirement System). You may choose the benefit that is more favorable to you.

*If you are a private citizen not employed by the Federal government.* Even if the Federal government does not regularly employ you, if you are rendering personal service to the Federal government on a voluntary basis or for nominal pay, you may be defined as a Federal employee for purposes of FECA. If that is the case, you and your family are eligible to receive workers' compensation benefits under FECA, but may not collect in a personal injury or wrongful death lawsuit against the United States or its employees. You and your family may file suit against potentially liable third parties. Before you board a Government aircraft, you may wish to consult with the department or agency sponsoring the flight to clarify whether you are considered a Federal employee.

If the agency determines that you are not a "Federal employee," you and your family will not be eligible to receive workers' compensation benefits under FECA. If you are onboard the aircraft for purposes of official Government business, you may be eligible for workman's compensation benefits under state law. If an accident occurs within the United States, or its territories, its airspace, or over the high seas, you and your family may claim against the United States under the Federal Tort Claims Act or Suits in Admiralty Act. If you are killed aboard a military aircraft, your family may be eligible to receive compensation under the Military Claims Act, or if you are an inhabitant of a foreign country, under the Foreign Claims Act.

**NOTE:** This disclosure statement is not all-inclusive. You should contact your agency's personnel office, or if you are a private citizen, your agency sponsor or point-of-contact for further assistance.